

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

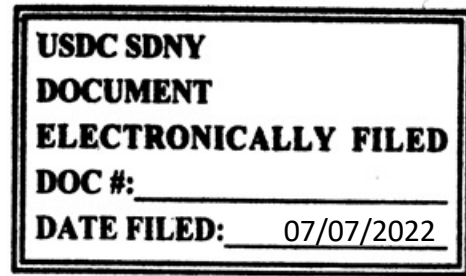
Mario Leon et al.,

Plaintiffs,

-against-

AYG Framing Construction LLC et al.,

Defendants.



1:21-cv-08014 (VSB) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

In accordance with pages 2 and 3 of the Court’s Order, dated May 24, 2022 (ECF No. 61), Plaintiffs were required either to file a revised calculation of damages for their unpaid earnings, or file a letter to the ECF docket explaining why their calculations are correct and consistent with the New York Labor Law (“NYLL”), given that Plaintiffs calculated their unpaid wages based upon their hourly rate, rather than upon the minimum wage rate. *See Williams v. Epic Security Corp.*, 358 F. Supp. 3d 284, 302 (S.D.N.Y. 2019) (“The NYLL in Article 19, § 650 *et seq.*, upon which Plaintiffs rely in their operative pleading . . . permits recovery for minimum wage, NYLL § 652, but contains no provision for recovery of unpaid straight time.”) (citing *McGlone v. Contract Callers Inc.*, 114 F. Supp. 3d 172, 173 (S.D.N.Y. 2015) (holding, in refusing to award damages at plaintiffs’ regular rate for non-overtime hours, “[t]he provisions of Article 19 do not specify any relief that is greater than the minimum wage.”)). However, in their belatedly-filed letter, dated June 27, 2022 (ECF No. 65), Plaintiffs failed to address this issue, but only addressed and corrected the hourly rate for a three-week period, as required by pages 1 and 2 of the Court’s May 24, 2022 Order (ECF No. 61).

Accordingly, no later than July 14, 2022, Plaintiffs either shall file a revised calculation of damages for their unpaid earnings, or shall file a letter to the ECF docket explaining why their revised calculations are correct and consistent with the NYLL.

In addition, Plaintiffs shall include the number of employees who worked for each of Plaintiffs' former employers, AYG Framing Construction LLC and Adriano E. Moreira, for the purpose of determining the applicable statutory minimum wage.

In addition, no later than July 14, 2022, Plaintiffs shall email to the Court (Aaron_NYSDChambers@nysd.uscourts.gov) native Excel versions of Plaintiffs' damages summary charts, with any revisions.

SO ORDERED.

Dated: New York, New York
July 7, 2022

A handwritten signature in black ink, appearing to read "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge